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## SENATE RESOLUTION

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REQUESTING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF  
COMMERCE AND CONSUMER AFFAIRS TO CONVENE A WORKING GROUP TO  
EVALUATE THE LICENSING OF PRIVATE TRADE, VOCATIONAL, AND  
TECHNICAL SCHOOLS.

1 WHEREAS, licensure of private trade, vocational, and  
2 technical schools in the State of Hawaii has been administered  
3 by the Department of Education since 1939, generally, and since  
4 1996, specifically pursuant to Act 89, Session Laws of Hawaii  
5 1996, as amended; and  
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7 WHEREAS, section 302A-425, Hawaii Revised Statutes,  
8 requires all private trade, vocational, and technical schools be  
9 licensed by the Department of Education; and  
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11 WHEREAS, a number of currently licensed private trade,  
12 vocational, or technical schools in the State of Hawaii require  
13 a form of state licensure in order for students to be eligible  
14 for receipt of federal financial aid or to participate in other  
15 types of federal educational assistance; and  
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17 WHEREAS, section 302A-425, Hawaii Revised Statutes, was  
18 amended by Act 57, Session Laws of Hawaii 1998, to clarify that  
19 the purpose of the licensing law is to protect consumers against  
20 false, deceptive, misleading, or unfair practices and to ensure  
21 adequate educational quality at private trade, vocational, and  
22 technical schools; and  
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24 WHEREAS the Auditor's 2002 report on the licensing of  
25 private trade, vocational, and technical schools stated that  
26 when section 302A-425, Hawaii Revised Statutes, was amended by  
27 Act 57, Session Laws of Hawaii 1998, to clarify its purpose, the  
28 clarification shifted the emphasis of the licensing law to  
29 consumer protection and brought into question the Department of  
30 Education's administration of the licensure of private trade,  
31 vocational, and technical schools; and  
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1 WHEREAS, the Department of Education's primary  
2 responsibility is educating students in kindergarten through  
3 twelfth grade; and  
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5 WHEREAS, the Department of Education is unable to  
6 effectively administer the licensure of private trade,  
7 vocational, and technical schools due to its lack of  
8 understanding and expertise regarding the specialized curricula  
9 offered at these schools and lack of experience in providing  
10 post-secondary education and overseeing post-secondary  
11 institutions; and  
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13 WHEREAS, the Department of Commerce and Consumer Affairs'  
14 primary responsibility is to protect consumers and the  
15 Department has experience in the licensure of professions and  
16 businesses; and  
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18 WHEREAS, a number of trades and vocations now receive state  
19 licensure for business operations through the Department of  
20 Commerce and Consumer Affairs; and  
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22 WHEREAS, the possible impact on existing schools and  
23 students that would result from the establishment of alternative  
24 licensing program structures for the various private trade,  
25 vocational, and technical schools in the State requires further  
26 consideration, including any potential fee increases from  
27 changes to the Department of Education's long-standing licensing  
28 fee structure that would result from a program restructuring;  
29 and  
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31 WHEREAS, the Legislature is committed to improving the  
32 licensure process for private trade, vocational, and technical  
33 schools in the State of Hawaii, which may include the  
34 establishment of alternative licensure structures or models;  
35 now, therefore,  
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37 BE IT RESOLVED by the Senate of the Twenty-eighth  
38 Legislature of the State of Hawaii, Regular Session of 2015,  
39 that the Department of Education and Department of Commerce and  
40 Consumer Affairs, in collaboration with existing licensed  
41 private trade, vocational, and technical schools in the State of  
42 Hawaii, are requested to convene a working group to evaluate and



1 review the State's current licensing program for private trade,  
2 vocational, and technical schools established pursuant to Act  
3 89, Session Laws of Hawaii 1996, as amended, and to consider  
4 alternative licensing program structures or models that are in  
5 the best interest of private trade, vocational, and technical  
6 schools and for students in the State of Hawaii; and  
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8 BE IT FURTHER RESOLVED that the working group consider  
9 licensure procedures that protect consumers from false,  
10 deceptive, misleading, and unfair practices at private trade,  
11 vocational, and technical schools and ensure adequate  
12 educational quality at these schools; and  
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14 BE IT FURTHER RESOLVED that the working group examine  
15 potential impacts to private trade, vocational, and technical  
16 schools and their students resulting from changes in fees or  
17 related licensing costs associated with a new licensing system;  
18 and  
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20 BE IT FURTHER RESOLVED that the working group include  
21 interested stakeholders in the working group's discussions; and  
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23 BE IT FURTHER RESOLVED that the Department of Commerce and  
24 Consumer Affairs and the Department of Education submit a report  
25 of their findings and recommendations, including any proposed  
26 legislation, to the Legislature no later than twenty days prior  
27 to the convening of the Regular Session of 2016; and  
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29 BE IT FURTHER RESOLVED that certified copies of this  
30 Resolution be transmitted to the Governor, Superintendent of  
31 Education, Chairperson of the Board of Education, Director of  
32 Commerce and Consumer Affairs, and Auditor.

